IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 26TH OCTOBER 2006 / 4TH KARTHIKA 1928

WP(C).No. 27947 of 2006(B)

PETITIONER:

A.M.RADHA,
UPSA, CMC GIRLS HIGH SCHOOL,
ELATHUR, KOZHIKODE.

BY ADV. SRI.P.K.SURESH KUMAR
SRI.K.P.SUDHEER

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

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W.P(C) No. 27947 OF 2006
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Dated this the 26th day of October, 2006

JUDGMENT

Petitioner who is an Upper Primary School Assistant has got a grievance that her request for maternity leave for 90 days starting from June 1, 1989 had not yet been sanctioned so far. It appears that the request made by the petitioner was forwarded by the Director of Public Instruction to the Government. However, the Government took the view that the request made by the petitioner cannot be accepted. Ext. P1 is stated to be the copy of the communication sent by the Government to the Director in this regard. Petitioner has raised various contentions in support of her plea that going by the rules she is entitled to get the leave sanctioned as requested by her.

2. However, I do not deem it necessary to deal with the above contention raised by the petitioner at this stage in view of the limited prayer made by the petitioner's counsel at the bar. It is submitted that petitioner will be satisfied if an appropriate direction is issued to the respondent to consider and pass orders

on Ext. P2 representation submitted by her after affording an opportunity of hearing. The learned counsel submits that Ext.P2 has been pending before the Government since 2003.

3. In the above facts and circumstances, the writ petition is disposed of with a direction to the respondent to consider and pass orders on Ext. P2 (if it is pending) strictly on its merit and in accordance with law as expeditiously as possible, at any rate within three months from the date of receipt of a copy of this judgment. Needless to mention that petitioner and the manager of the school shall be afforded sufficient opportunity to be heard before any orders are passed on Ext.P2.

4. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before the respondent for compliance.

The writ petition is disposed of in the above terms.

A.K. BASHEER,
JUDGE

csl